

REMARKS

Claim 1 is canceled without prejudice, replaced by new claim 65, which introduces no new matter. Claim 26 is canceled without prejudice. Objected to claim 64 is canceled without prejudice. All claims are amended for conformity.

CLAIM REJECTIONS UNDER 35 U.S.C. §112

Claims 1, 14-17, 20-27, 30-32 and 63-64 are rejected under 35 U.S.C. §112 ¶1 as not described.

Claims 1 and 64 are canceled rendering the rejection moot with respect to these claims.

Independent claim 65 recites processes for each step of the method, and is based on literal description in the specification. It is supported at least at pp. 8, 14 ¶45, and 22.

Applicants have included a Declaration under 37 C.F.R. §1.132. The Declaration states that one skilled in the art would know, or could determine without undue experimentation, a sequence for each of a human gene encoding a vitamin D receptor and a human gene encoding interleukin-6. The Declaration states that one skilled in the art could determine, without undue experimentation, if a polymorphism in a human gene encoding a vitamin D receptor and a human gene encoding interleukin-6 was identified as associated with a pathology.

Applicants believe they have addressed each basis of the Examiner's rejection, and respectfully request its withdrawal.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claim 1 is rejected under 35 U.S.C. 102(b) as anticipated by Audi. Claim 1 is canceled, rendering the rejection moot with respect to it. Independent claim 65, replacing claim 1, requires at least calculating and summing steps not disclosed in Audi. For at least these reasons, Applicants respectfully request withdrawal of the rejection.

CONCLUSION

Applicants authorize credit card fee payment for the Request for Continued Examination and the three month extension fee, each of which is due with this submission (see Electronic Fee Calculation Sheet). If other fees are due, the Examiner is authorized to charge them (or credit any overpayment) to Deposit Account No. 23-3000.

The Examiner is invited to contact Applicants' undersigned representative with questions.

Respectfully submitted,

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